**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE S.SIRI JAGAN**

**FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929**

**WP(C).No. 36188 of 2007(G)**
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**PETITIONER:**
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**M.T. AJITHA SUSAN, CLERK,**
**M.C.C.HIGHER SECONDARY SCHOOL, CALICUT.**

**BY ADV. SRI. V. RAJENDRAN**

**RESPONDENTS:**
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1. **THE CORPORATE MANAGER,**
   **ALL C.S.I. SCHOOLS IN MALABAR & WAYANAD,**
   **BANK ROAD, CALICUT.**

2. **DISTRICT EDUCATIONAL OFFICER,**
   **KOZHIKODE.**

3. **THE HEADMASTER, M.C.C.HIGHER SECONDARY**
   **SCHOOL, KOZHIKODE.**

4. **SUNSHINE SUNDER RAJ, PEON,**
   **B.E.M. HIGHER SECONDARY SCHOOL, PALAKKAD.**

**BY GOVERNMENT PLEADER SRI. A. J. VARGHESE.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**S. SIRI JAGAN, J.**

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**W.P.(C)No.36188 OF 2007**

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Dated this the 7th day of December, 2007

**JUDGMENT**

The petitioner is a Peon in one of the Schools managed by the 1st respondent. He was promoted as Clerk against a vacancy, which arose on 1.3.2007. The same has not been approved on the ground that the Manager had not submitted all the required documents. The petitioner submits that the Manager has already preferred an appeal against that order. At the same time, the petitioner's request for disbursal of pay and allowances in the lower post is rejected by Ext.P6 order on the ground that the petitioner has been promoted as Clerk.

2. I am of opinion that the 2nd respondent cannot take such a stand. If the approval is denied then it should be deemed that the petitioner continues in the lower post and she should be paid the salary in the lower post.

3. I have heard the learned Government pleader also. In the facts and circumstances of the case, the writ petition is disposed of with the following directions.

The 2nd respondent shall take steps to disburse the salary of the petitioner in the post of Peon forthwith. As far as the non-approval of petitioner's promotion as Clerk is concerned, it would be open to the petitioner move the Appellate Authority with an appropriate appeal, in which case the Appellate Authority shall dispose of the same within a period of six week from the date of receipt of the same, after affording an opportunity of being heard to the petitioner as well as respondents 1 and 4.

The writ petition is disposed of as above.

**S. SIRI JAGAN, JUDGE**

Acd